

110TH CONGRESS
1ST SESSION

S. 1632

To ensure that vessels of the United States conveyed to eligible recipients for educational, cultural, historical, charitable, recreational, or other public purposes are maintained and utilized for the purposes for which they were conveyed.

IN THE SENATE OF THE UNITED STATES

JUNE 14, 2007

Ms. SNOWE introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To ensure that vessels of the United States conveyed to eligible recipients for educational, cultural, historical, charitable, recreational, or other public purposes are maintained and utilized for the purposes for which they were conveyed.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Vessel Conveyance
5 Act”.

1 **SEC. 2. CONVEYANCE OF UNITED STATES VESSELS FOR**
2 **PUBLIC PURPOSES.**

3 (a) IN GENERAL.—The conveyance of a United
4 States Government vessel to an eligible entity for use as
5 an educational, cultural, historical, charitable, or rec-
6 reational or other public purpose shall be made subject
7 to any conditions, including the reservation of such rights
8 on behalf of the United States, as the Secretary considers
9 necessary to ensure that the vessel will be maintained and
10 used in accordance with the purposes for which it was con-
11 veyed, including conditions necessary to ensure that unless
12 approved by the Secretary—

13 (1) the eligible entity to which the vessel is con-
14 veyed may not sell, convey, assign, exchange, or en-
15 cumber the vessel, any part thereof, or any associ-
16 ated historic artifact conveyed to the eligible entity
17 in conjunction with the vessel; and

18 (2) the eligible entity to which the vessel is con-
19 veyed may not conduct any commercial activities at
20 the vessel, any part thereof, or in connection with
21 any associated historic artifact conveyed to the eligi-
22 ble entity in conjunction with the vessel, in any man-
23 ner.

24 (b) REVERSION.—In addition to any term or condi-
25 tion established pursuant to this section, the conveyance
26 of a United States Government vessel shall include a con-

1 dition that the vessel, or any associated historic artifact
2 conveyed to the eligible entity in conjunction with the ves-
3 sel, at the option of the Secretary, shall revert to the
4 United States and be placed under the administrative con-
5 trol of the Administrator if, without approval of the Sec-
6 retary—

7 (1) the vessel, any part thereof, or any associ-
8 ated historic artifact ceases to be available for the
9 educational, cultural, historical, charitable, or rec-
10 reational or other public purpose for which it was
11 conveyed under reasonable conditions which shall be
12 set forth in the eligible entity's application;

13 (2) the vessel or any part thereof ceases to be
14 maintained in a manner consistent with the commit-
15 ments made by the eligible entity to which it was
16 conveyed;

17 (3) the eligible entity to which the vessel is con-
18 veyed, sells, conveys, assigns, exchanges, or encum-
19 bers the vessel, any part thereof, or any associated
20 historic artifact; or

21 (4) the eligible entity to which the vessel is con-
22 veyed, conducts any commercial activities at the ves-
23 sel, any part thereof, or in conjunction with any as-
24 sociated historic artifact.

1 (c) AGREEMENT REQUIRED.—Except as may be oth-
2 erwise explicitly provided by statute, a United States Gov-
3 ernment vessel may not be conveyed to an entity unless
4 that entity agrees to comply with any terms or conditions
5 imposed on the conveyance under this section.

6 (d) RECORDS AND MONITORING.—

7 (1) COMPILATION AND TRANSFER.—The Sec-
8 retary shall provide a written or electronic record for
9 each vessel conveyed pursuant to the Secretary's au-
10 thority, including the vessel registration, the applica-
11 tion for conveyance, the terms and conditions of con-
12 veyance, and any other documents associated with
13 the conveyance, and any post-conveyance cor-
14 respondence or other documentation, to the Adminis-
15 trator.

16 (2) MONITORING.—For a period not less than
17 5 years after the date of conveyance the Adminis-
18 trator shall monitor the eligible entity's use of the
19 vessel conveyed to ensure that the vessel is being
20 used in accordance with the purpose for which it was
21 conveyed. The Administrator shall create a written
22 or electronic record of such monitoring activities and
23 their findings.

24 (3) MAINTENANCE.—The Administrator shall
25 maintain vessel conveyance records provided under

1 paragraph (1), and monitoring records created
2 under paragraph (2), on each vessel conveyed until
3 such time as the vessel is destroyed, scuttled, recycled,
4 or otherwise disposed of. The Administrator
5 may make the records available to the public.

6 (e) COST ESTIMATES.—The Secretary may provide
7 an estimate to an eligible entity of the cost of maintaining
8 and operating any vessel to be conveyed to that entity.

9 (f) GUIDANCE.—The Secretary may issue guidance
10 concerning the types and extent of commercial activities,
11 including the sale of goods or services incidental to, and
12 consistent with, the purposes for which a vessel was conveyed,
13 that are approved by the Secretary for purposes
14 of subsections (a)(2) and (b)(4) of this section.

15 **SEC. 3. WORKING GROUP ON CONVEYANCE OF UNITED**
16 **STATES VESSELS.**

17 Within 180 days after the date of enactment of this
18 Act, the Secretary of Transportation shall convene a working
19 group, composed of representatives from the Maritime
20 Administration, the Coast Guard, and the United States
21 Navy to review and to make recommendations on a common
22 set of conditions for the conveyance of vessels of the
23 United States to eligible entities (as defined in section
24 2(d)(2)). The Secretary may request the participation of

1 senior representatives of any other Federal department or
 2 agency, as appropriate.

3 **SEC. 4. CIVIL ENFORCEMENT OF CONVEYANCE CONDI-**
 4 **TIONS.**

5 (a) CIVIL ADMINISTRATIVE PENALTIES.—

6 (1) Any eligible entity found by the Secretary,
 7 after notice and opportunity for a hearing in accord-
 8 ance with section 554 of title 5, United States Code,
 9 to have failed to comply with the terms and condi-
 10 tions under which a vessel was conveyed to it shall
 11 be liable to the United States for a civil penalty. The
 12 amount of the civil penalty under this paragraph
 13 shall not exceed \$10,000 for each violation. Each
 14 day of a continuing violation shall constitute a sepa-
 15 rate violation.

16 (2) COMPROMISE OR OTHER ACTION BY THE
 17 SECRETARY.—The Secretary may compromise, mod-
 18 ify, or remit, with or without conditions, any civil
 19 administrative penalty imposed under this section
 20 that has not been referred to the Attorney General
 21 for further enforcement action.

22 (b) HEARING.—For the purposes of conducting any
 23 investigation or hearing under this section, the Secretary
 24 may issue subpoenas for the attendance and testimony of
 25 witnesses and the production of relevant papers, books,

1 and documents, and may administer oaths. Witnesses
2 summoned shall be paid the same fees and mileage that
3 are paid to witnesses in the courts of the United States.
4 In case of contempt or refusal to obey a subpoena served
5 upon any person pursuant to this subsection, the district
6 court of the United States for any district in which such
7 person is found, resides, or transacts business, upon appli-
8 cation by the United States and after notice to such per-
9 son, shall have jurisdiction to issue an order requiring
10 such person to appear and give testimony before the Sec-
11 retary or to appear and produce documents before the Sec-
12 retary, or both, and any failure to obey such order of the
13 court may be punished by such court as a contempt there-
14 of. Nothing in this Act shall be construed to grant juris-
15 diction to a district court to entertain an application for
16 an order to enforce a subpoena issued by the Secretary
17 of Commerce to the Federal Government or any entity
18 thereof.

19 (c) JURISDICTION.—The United States district
20 courts shall have original jurisdiction of any action under
21 this section arising out of or in connection with the oper-
22 ation, maintenance, or disposition of a conveyed vessel,
23 and proceedings with respect to any such action may be
24 instituted in the judicial district in which any defendant
25 resides or may be found. For the purpose of this section,

1 American Samoa shall be included within the judicial dis-
2 trict of the District Court of the United States for the
3 District of Hawaii.

4 (d) COLLECTION.—If an eligible entity fails to pay
5 an assessment of a civil penalty after it has become a final
6 and unappealable order, or after the appropriate court has
7 entered final judgment in favor of the Secretary, the mat-
8 ter may be referred to the Attorney General, who may re-
9 cover the amount (plus interest at currently prevailing
10 rates from the date of the final order). In such action the
11 validity, amount, and appropriateness of the final order
12 imposing the civil penalty shall not be subject to review.
13 Any eligible entity that fails to pay, on a timely basis, the
14 amount of an assessment of a civil penalty shall be re-
15 quired to pay, in addition to such amount and interest,
16 attorney's fees and costs for collection proceedings and a
17 quarterly nonpayment penalty for each quarter during
18 which such failure to pay persists. Such nonpayment pen-
19 alty shall be in an amount equal to 20 percent of the ag-
20 gregate amount of such the entity's penalties and non-
21 payment penalties which are unpaid as of the beginning
22 of such quarter.

23 (e) NATIONWIDE SERVICE OF PROCESS.—In any ac-
24 tion by the United States under this Act, process may be
25 served in any district where the defendant is found, re-

1 sides, transacts business or has appointed an agent for
 2 the service of process, and for civil cases may also be
 3 served in a place not within the United States in accord-
 4 ance with Rule 4 of the Federal Rules of Civil Procedure.

5 **SEC. 5. DEFINITIONS.**

6 In this Act:

7 (1) ADMINISTRATOR.—The term “Adminis-
 8 trator” means the Administrator of General Serv-
 9 ices.

10 (2) ELIGIBLE ENTITY.—The term “eligible enti-
 11 ty” means a State or local government, nonprofit
 12 corporation, educational agency, community develop-
 13 ment organization, or other entity that agrees to
 14 comply with the conditions established under this
 15 section.

16 (3) SECRETARY.—The term “Secretary” means
 17 the Secretary of the department or agency on whose
 18 authority a vessel is conveyed to an eligible entity.

19 (4) UNITED STATES GOVERNMENT VESSEL.—
 20 The term “United States government vessel” means
 21 a vessel owned by the United States Government.

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